

1 BOIES, SCHILLER & FLEXNER LLP  
2 RICHARD J. POCKER (NV Bar No. 3568)  
3 300 South Fourth Street, Suite 800  
Las Vegas, NV 89101  
4 Telephone: (702) 382-7300  
Facsimile: (702) 382-2755  
[rpocker@bsflp.com](mailto:rpocker@bsflp.com)

5 BOIES, SCHILLER & FLEXNER LLP  
STEVEN C. HOLTZMAN (*pro hac vice*)  
6 FRED NORTON (*pro hac vice*)  
KIERAN P. RINGGENBERG (*pro hac vice*)  
7 1999 Harrison Street, Suite 900  
Oakland, CA 94612  
8 Telephone: (510) 874-1000  
Facsimile: (510) 874-1460  
9 [sholtzman@bsflp.com](mailto:sholtzman@bsflp.com)  
[fnorton@bsflp.com](mailto:fnorton@bsflp.com)  
10 [kringgenberg@bsflp.com](mailto:kringgenberg@bsflp.com)

11 Attorneys for Plaintiffs Oracle USA, Inc.,  
Oracle America, Inc., and Oracle International  
12 Corp.

13

14 **UNITED STATES DISTRICT COURT**

15

**DISTRICT OF NEVADA**

16

17 ORACLE USA, INC., a Colorado corporation;  
ORACLE AMERICA, INC., a Delaware  
18 corporation; and ORACLE INTERNATIONAL  
CORPORATION, a California corporation,

19 Plaintiffs,  
20 v.

21 RIMINI STREET, INC., a Nevada corporation;  
SETH RAVIN, an individual,

22 Defendants.

23

24

25

26

27

28

BINGHAM MCCUTCHEN LLP  
GEOFFREY M. HOWARD (*pro hac vice*)  
THOMAS S. HIXSON (*pro hac vice*)  
KRISTEN A. PALUMBO (*pro hac vice*)  
Three Embarcadero Center  
San Francisco, CA 94111-4067  
Telephone: 415.393.2000  
Facsimile: 415.393.2286  
[geoff.howard@bingham.com](mailto:geoff.howard@bingham.com)  
[thomas.hixson@bingham.com](mailto:thomas.hixson@bingham.com)  
[kristen.palumbo@bingham.com](mailto:kristen.palumbo@bingham.com)

DORIAN DALEY (*pro hac vice*)  
DEBORAH K. MILLER (*pro hac vice*)  
JAMES C. MAROULIS (*pro hac vice*)  
ORACLE CORPORATION  
500 Oracle Parkway  
M/S 5op7  
Redwood City, CA 94070  
Telephone: 650.506.4846  
Facsimile: 650.506.7114  
[dorian.daley@oracle.com](mailto:dorian.daley@oracle.com)  
[deborah.miller@oracle.com](mailto:deborah.miller@oracle.com)  
[jim.maroulis@oracle.com](mailto:jim.maroulis@oracle.com)

CASE NO. 2:10-cv-0106-LRH-PAL

**DECLARATION OF KIERAN P.  
RINGGENBERG IN SUPPORT OF  
PLAINTIFFS ORACLE USA, INC.,  
ORACLE AMERICA, INC., AND  
ORACLE INTERNATIONAL  
CORPORATION'S MOTION FOR  
EVIDENTIARY SANCTIONS FOR  
SPOILATION**

1 I, Kieran P. Ringgenberg, declare as follows:

2 1. I am an attorney admitted to practice law in the State of California and before the  
3 Court in this action *pro hac vice*. I am a partner with Boies, Schiller & Flexner LLP, counsel to  
4 plaintiffs in this action. This declaration is made in support of Plaintiffs Oracle USA, Inc.,  
5 Oracle America, Inc., and Oracle International Corporation's (collectively "Oracle") Motion  
6 For Evidentiary Sanctions For Spoliation. Based on my review of the files and records in this  
7 action, I have firsthand knowledge of the contents of this declaration and could testify thereto.

8 2. Attached to the Appendix of Exhibits in support of Oracle's Motion For  
9 Evidentiary Sanctions For Spoliation ("Appendix") as Exhibit 1 is a true and correct copy of  
10 excerpts from the transcript of the March 29, 2011 status conference hearing.

11 3. Attached to the Appendix as Exhibit 2 is a true and correct copy of excerpts from  
12 the transcript of the November 8, 2011 status conference hearing.

13 4. Attached to the Appendix as Exhibit 3 is a true and correct copy of Oracle's Fifth  
14 Set of Interrogatories to Defendant Rimini Street, Inc. ("RSI"), served on May 25, 2011.

15 5. Attached to the Appendix as Exhibit 4 is a true and correct copy of RSI's Second  
16 Supplemental Responses to Interrogatories Nos. 24-25, served on November 22, 2011.

17 6. Attached to the Appendix as Exhibit 5 is a true and correct copy of RSI's Third  
18 Supplemental Responses to Interrogatories Nos. 20-22, served on February 6, 2012. The  
19 document was designated Confidential by Defendants RSI and Seth Ravin (collectively  
20 "Rimini") pursuant to the Stipulated Protective Order by the Court on May 21, 2010  
21 ("Protective Order").

22 7. Attached to the Appendix as Exhibit 6 is a true and correct copy of RSI's First  
23 Supplemental Ex. 1A-3 to Responses to Interrogatories Nos. 20-22, served on March 9, 2012.  
24 The document was designated Confidential by Rimini pursuant to the Protective Order.

25 8. Attached to the Appendix as Exhibit 7 is a true and correct copy of excerpts from  
26 RSI's Second Amended Responses to Requests for Admissions, Set 3, served on January 4,  
27 2012.

28 9. Attached to the Appendix as Exhibit 8 is a true and correct copy of excerpts from

1 the transcript of the October 18, 2011 deposition of Jeff Allen. The excerpted sections were  
2 designated Confidential by Rimini pursuant to the Protective Order.

3 10. Attached to the Appendix as Exhibit 9 is a true and correct copy of excerpts from  
4 the transcript of the May 10, 2011 deposition of Douglas Baron. The excerpted sections were  
5 designated Confidential by Rimini pursuant to the Protective Order.

6 11. Attached to the Appendix as Exhibit 10 is a true and correct copy of excerpts  
7 from the transcript of the June 24, 2011 deposition of Dennis Chiu. The excerpted sections  
8 were designated Confidential by Rimini pursuant to the Protective Order.

9 12. Attached to the Appendix as Exhibit 11 is a true and correct copy of excerpts  
10 from the transcript of the March 15, 2011 deposition of J.R. Corpuz. The excerpted sections  
11 were designated Highly Confidential by Rimini pursuant to the Protective Order.

12 13. Attached to the Appendix as Exhibit 12 is a true and correct copy of excerpts  
13 from the transcript of the January 6, 2012 deposition of Kevin Maddock. The excerpted  
14 sections were designated Confidential by Rimini pursuant to the Protective Order.

15 14. Attached to the Appendix as Exhibit 13 is a true and correct copy of excerpts  
16 from the transcript of the July 21, 2010 deposition of Seth Ravin taken in *Oracle USA, Inc. et*  
17 *al. v. SAP AG et al.*, No 07-cv-01658 (N.D. Cal.). The excerpted sections were designated  
18 Highly Confidential by Rimini pursuant to the Protective Order.

19 15. Attached to the Appendix as Exhibit 14 is a true and correct copy of excerpts  
20 from the transcript of the December 16, 2011 deposition of Brian Slepko, taken as a FRCP  
21 30(b)(6) witness. The excerpted sections were designated Confidential by Rimini pursuant to  
22 the Protective Order.

23 16. Attached to the Appendix as Exhibit 15 is a true and correct copy of excerpts  
24 from the transcript of the December 15, 2011 deposition of Brian Slepko, taken in his personal  
25 capacity. The excerpted sections were designated Confidential by Rimini pursuant to the  
26 Protective Order.

27 17. Attached to the Appendix as Exhibit 16 is a true and correct copy of excerpts  
28 from the transcript of the October 5, 2011 deposition of Krista Williams. The excerpted

1 sections were designated Confidential by Rimini pursuant to the Protective Order.

2       18. Attached to the Appendix as Exhibit 17 is a true and correct copy of excerpts  
3 from the transcript of the September 27, 2011 deposition of John Whittenbarger. The excerpted  
4 sections were designated Confidential by Rimini pursuant to the Protective Order.

5       19. Attached to the Appendix as Exhibit 18 is a true and correct copy of excerpts  
6 from the transcript of the September 16, 2011 deposition of Douglas Zorn. The excerpted  
7 sections were designated Confidential by Rimini pursuant to the Protective Order.

8       20. Attached to the Appendix as Exhibit 19 is a true and correct copy of a document  
9 produced by Rimini to Oracle as part of discovery in this action. The document was marked at  
10 the March 15, 2011 deposition of J.R. Corpuz, an employee of RSI, as Deposition Exhibit 39.  
11 The document was designated Highly Confidential by Rimini pursuant to the Protective Order.

12       21. Attached to the Appendix as Exhibit 20 is a true and correct copy of a document  
13 produced by Rimini to Oracle as part of discovery in this action. The document was marked at  
14 the May 10, 2011 deposition of Douglas Baron, an employee of RSI, as Deposition Exhibit 161.  
15 The document was designated Confidential by Rimini and Oracle pursuant to the Protective  
16 Order.

17       22. Attached to the Appendix as Exhibit 21 is a true and correct copy of a document  
18 produced by Rimini to Oracle as part of discovery in this action. The document was marked at  
19 the June 24, 2011 deposition of Dennis Chiu, an employee of RSI, as Deposition Exhibit 244.  
20 The document was designated Confidential by Rimini pursuant to the Protective Order.

21       23. Attached to the Appendix as Exhibit 22 is a true and correct copy of a document  
22 produced by Rimini to Oracle as part of discovery in this action. The document was marked at  
23 the June 24, 2011 deposition of Dennis Chiu, an employee of RSI, as Deposition Exhibit 246.  
24 The document was designated Confidential by Rimini pursuant to the Protective Order.

25       24. Attached to the Appendix as Exhibit 23 is a true and correct copy of a document  
26 produced by Rimini to Oracle as part of discovery in this action. The document was marked at  
27 the June 24, 2011 deposition of Dennis Chiu, an employee of RSI, as Deposition Exhibit 247.  
28 The document was designated Confidential by Rimini pursuant to the Protective Order.

1           25. Attached to the Appendix as Exhibit 24 is a true and correct copy of a document  
2 produced by Rimini to Oracle as part of discovery in this action. The document was marked at  
3 the June 24, 2011 deposition of Dennis Chiu, an employee of RSI, as Deposition Exhibit 249.  
4 The document was designated Confidential by Rimini pursuant to the Protective Order.

5           26. Attached to the Appendix as Exhibit 25 is a true and correct copy of a document  
6 produced by Rimini to Oracle as part of discovery in this action. The document was marked at  
7 the June 24, 2011 deposition of Dennis Chiu, an employee of RSI, as Deposition Exhibit 252.  
8 The document was designated Confidential by Rimini pursuant to the Protective Order.

9           27. Attached to the Appendix as Exhibit 26 is a true and correct copy of a document  
10 produced by Rimini to Oracle as part of discovery in this action. The document was marked at  
11 the June 24, 2011 deposition of Dennis Chiu, an employee of RSI, as Deposition Exhibit 253.  
12 The document was designated Confidential by Rimini pursuant to the Protective Order.

13           28. Attached to the Appendix as Exhibit 27 is a true and correct copy of a document  
14 produced by Rimini to Oracle as part of discovery in this action. The document was marked at  
15 the June 24, 2011 deposition of Dennis Chiu, an employee of RSI, as Deposition Exhibit 276.  
16 The document was designated Confidential by Rimini pursuant to the Protective Order.

17           29. Attached to the Appendix as Exhibit 28 is a true and correct copy of a document  
18 produced by Rimini to Oracle as part of discovery in this action. The document was marked at  
19 the September 16, 2011 deposition of Douglas Zorn, an employee of RSI, as Deposition Exhibit  
20 418. The document was designated Confidential by Rimini pursuant to the Protective Order.

21           30. Attached to the Appendix as Exhibit 29 is a true and correct copy of a document  
22 produced by Rimini to Oracle as part of discovery in this action. The document was marked at  
23 the October 5, 2011 deposition of Krista Williams, an employee of RSI, as Deposition Exhibit  
24 466. The document was designated Confidential by Rimini pursuant to the Protective Order.

25           31. Attached to the Appendix as Exhibit 30 is a true and correct copy of a document  
26 produced by Rimini to Oracle as part of discovery in this action. The document was marked at  
27 the October 5, 2011 deposition of Krista Williams, an employee of RSI, as Deposition Exhibit  
28 469. The document was designated Confidential by Rimini pursuant to the Protective Order.

1           32. Attached to the Appendix as Exhibit 31 is a true and correct copy of a document  
2 produced by Rimini to Oracle as part of discovery in this action. The document was marked at  
3 the October 5, 2011 deposition of Krista Williams, an employee of RSI, as Deposition Exhibit  
4 470. The document was designated Confidential by Rimini pursuant to the Protective Order.

5           33. Attached to the Appendix as Exhibit 32 is a true and correct copy of a document  
6 produced by Rimini to Oracle as part of discovery in this action. The document was marked at  
7 the October 5, 2011 deposition of Krista Williams, an employee of RSI, as Deposition Exhibit  
8 480. The document was designated Confidential by Rimini pursuant to the Protective Order.

9           34. Attached to the Appendix as Exhibit 33 is a true and correct copy of a document  
10 produced by Rimini to Oracle as part of discovery in this action. The document was marked at  
11 the October 5, 2011 deposition of Krista Williams, an employee of RSI, as Deposition Exhibit  
12 482. The document was designated Confidential by Rimini pursuant to the Protective Order.

13           35. Attached to the Appendix as Exhibit 34 is a true and correct copy of a document  
14 produced by Rimini to Oracle as part of discovery in this action. The document was marked at  
15 the October 5, 2011 deposition of Krista Williams, an employee of RSI, as Deposition Exhibit  
16 503. The document was designated Confidential by Rimini pursuant to the Protective Order.

17           36. Attached to the Appendix as Exhibit 35 is a true and correct copy of the  
18 TomorrowNow Criminal Plea Agreement filed September 14, 2011 in *United States v.*  
19 *TomorrowNow, Inc.*, No. 11-cr-00642 (N.D. Cal.), Docket No. 13. The document was marked  
20 at the October 20, 2011 deposition of Clark Strong, an employee of Birdville Independent  
21 School District, as Deposition Exhibit 606.

22           37. Attached to the Appendix as Exhibit 36 is a true and correct copy of a document  
23 produced by Rimini to Oracle as part of discovery in this action. The document was marked at  
24 the November 17, 2011 deposition of Seth Ravin, an employee of RSI, as Deposition Exhibit  
25 912. The document was designated Confidential by Rimini pursuant to the Protective Order.

26           38. Attached to the Appendix as Exhibit 37 is a true and correct copy of a document  
27 produced by Rimini to Oracle as part of discovery in this action. The document was marked at  
28 the November 18, 2011 deposition of Seth Ravin, an employee of RSI, as Deposition Exhibit

1 926. The document was designated Confidential by Rimini pursuant to the Protective Order.

2 39. Attached to the Appendix as Exhibit 38 is a true and correct copy of a document  
3 produced by Adams Street Partners, Inc. (“Adams Street”) to Oracle as part of discovery in this  
4 action. The document was marked at the December 1, 2011 deposition of Robin Paul Murray,  
5 an employee of Adams Street, as Deposition Exhibit 1385. The document was designated  
6 Highly Confidential by Adams Street and Rimini pursuant to the Protective Order.

7 40. Attached to the Appendix as Exhibit 39 is a true and correct copy of excerpts  
8 from a document produced by Adams Street to Oracle as part of discovery in this action. The  
9 document was marked at the December 1, 2011 deposition of Robin Paul Murray, an employee  
10 of Adams Street, as Deposition Exhibit 1389. The document was designated Highly  
11 Confidential by Adams Street and Rimini pursuant to the Protective Order.

12 41. Attached to the Appendix as Exhibit 40 is a true and correct copy of a document  
13 produced by Rimini to Oracle as part of discovery in this action. The document was marked at  
14 the January 5, 2012 deposition of Kevin Maddock, an employee of RSI, as Deposition Exhibit  
15 1633.

16 42. Attached to the Appendix as Exhibit 41 is a true and correct copy of a document  
17 produced by Rimini to Oracle as part of discovery in this action. The document was marked at  
18 the January 6, 2012 deposition of Kevin Maddock, an employee of RSI, as Deposition Exhibit  
19 1644. The document was designated Confidential by Rimini pursuant to the Protective Order.

20 43. Attached to the Appendix as Exhibit 42 is a true and correct copy of a document  
21 produced by Adams Street to Oracle as part of discovery in this action. The document bears  
22 bates numbers ASP004074-81. The document was designated Highly Confidential by Adams  
23 Street pursuant to the Protective Order.

24 44. Attached to the Appendix as Exhibit 43 is a true and correct copy of a document  
25 produced by Adams Street to Oracle as part of discovery in this action. The document bears  
26 bates numbers ASP004082-7. The document was designated Highly Confidential by Adams  
27 Street pursuant to the Protective Order.

28 45. Attached to the Appendix as Exhibit 44 is a true and correct copy of a document

1 produced by Rimini to Oracle as part of discovery in this action. The document bears bates  
2 numbers RSI00023131-2. The document was designated Highly Confidential by Rimini  
3 pursuant to the Protective Order.

4       46. Attached to the Appendix as Exhibit 45 is a true and correct copy of a document  
5 produced by Rimini to Oracle as part of discovery in this action. The document bears bates  
6 numbers RSI00024428-30. The document was designated Highly Confidential by Rimini  
7 pursuant to the Protective Order.

8       47. Attached to the Appendix as Exhibit 46 is a true and correct copy of a document  
9 produced by Rimini to Oracle as part of discovery in this action. The document bears bates  
10 numbers RSI03202162-3.

11       48. Attached to the Appendix as Exhibit 47 is a true and correct copy of a document  
12 produced by Rimini to Oracle as part of discovery in this action. The document bears bates  
13 numbers RSI03206203-10.

14       49. Attached to the Appendix as Exhibit 48 is a true and correct copy of a document  
15 produced by Rimini to Oracle as part of discovery in this action. The document bears bates  
16 numbers RSI03206928-9.

17       50. Attached to the Appendix as Exhibit 49 is a true and correct copy of a document  
18 produced by Rimini to Oracle as part of discovery in this action. The document bears bates  
19 number RSI04084930. The document was designated Confidential by Rimini pursuant to the  
20 Protective Order.

21       51. Attached to the Appendix as Exhibit 50 is a true and correct copy of a document  
22 produced by Rimini to Oracle as part of discovery in this action, and accompanying e-mail  
23 correspondence regarding its production. The document bears bates number RSI06276320.  
24 The document was designated Confidential by Rimini pursuant to the Protective Order.

25       52. Attached to the Appendix as Exhibit 51 is a true and correct copy of excerpts  
26 from the Expert Report of Scott D. Hampton dated March 30, 2012. The document was  
27 designated Highly Confidential by Rimini pursuant to the Protective Order.

28       53. Attached to the Appendix as Exhibit 52 is a true and correct copy of excerpts

1 from the Expert Report of Brooks L. Hilliard dated March 30, 2012. The document was  
2 designated Highly Confidential by Oracle pursuant to the Protective Order.

3 54. Attached to the Appendix as Exhibit 53 is a true and correct copy of the Trial  
4 Stipulation and Order No. 1 Regarding Liability, Dismissal Of Claims, Preservation of  
5 Defenses, and Objections to Evidence at Trial in *Oracle USA, Inc. et al. v. SAP AG et al.*, No  
6 07-cv-01658 (N.D. Cal.), Docket No. 866, filed September 13, 2010.

7 55. Attached to the Appendix as Exhibit 54 is a true and correct copy of Non-Party  
8 Seth Ravin's and Non-Party Rimini Street's Opposition to Oracle's Motion to Compel Seth  
9 Ravin to Answer Deposition Questions and to Compel Rimini Street to Produce Documents in  
10 *Oracle USA, Inc. et al. v. SAP AG et al.*, No 09-cv-01591 (D. Nev.), Docket No. 26, filed  
11 September 14, 2009.

12

13 I declare that the foregoing is true under penalty of perjury of the laws of the United  
14 States.

15

16 Executed this 30th day of May, 2012, at Oakland, California.

17

18 /s/ Kieran Ringgenberg  
Kieran Ringgenberg

19

20

21

22

23

24

25

26

27

28